

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Waddick on March 11, 2011.

The application has been amended as follows:

Please amend independent claim 26 to read:

26. A system for treating vasculature, comprising:

a main component sized for placement in an aortic arch, the main component having a superior end, an inferior end and a midsection therebetween, the midsection comprising a segment having an outer diameter that is smaller than a substantially uniform outer diameter of a segment contiguous with the superior end and a substantially uniform outer diameter of a segment contiguous with the inferior end with a first narrowing transition section bridging between the midsection and the segment contiguous with the superior end proximal to the midsection and a second narrowing transition section bridging between the midsection and the segment contiguous with the inferior end proximal to the midsection;

at least two limbs sized for placement in branch vessels, each having an opening, wherein each of the at least two limbs extending extends from either- the first narrowing transition section in a different direction than an opening in the superior end distal from the midsection or each of the at least two limbs extends from the second narrowing transition sections section in a different direction than an opening in the inferior end distal from the midsection and defining respective openings;

and respective extension components sized to mate with the opening of the at least two limbs.

The following is an examiner's statement of reasons for allowance: After a thorough search of the aortic arch graft art and related art fields, applicant's clearly defined and limited structure in the independent claims was found to be a novel structural way to treat the problem of aortic arch aneurysms. Particularly, the structure of two or more branching members extending from the transition region and the clearly defined structure of the graft, sized for the aortic arch graft, would distinguish over the prior art of record. U.S. Patent Application to Carpenter *et al* 2005/0102018 A1, discloses a nearly identical structure. However, that application has a filing date of Nov. 6, 2003, and for the relevant portions of the instant application, the filing date can be traced back to the Continuation-In-Part patent 6,814,752, Issued by Examiner David Isabella, is 03/03/2001. Thus, the instant application is allowable over the prior art of record.

Terminal Disclaimer

The terminal disclaimer filed on 3/22/11 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,814,752 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

Applicant's previously allowed parent invention, U.S. Pat. No. 6,814,752, has claims to a similar device for treating abdominal aortic aneurysms with well-defined extension arms. Applicant has filed a terminal disclaimer over that patent, obviating any improper timewise extension of patent rights or obviousness-type double patenting

Art Unit: 3774

rejection. After a review of the allowed claims in that patent, this device is a non-identical and distinct variant of applicant's invention in the '752 case, as it recites specific structure not claimed in the '752 patent and is sized appropriately for the aortic arch.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN STROUD whose telephone number is (571)270-3070. The examiner can normally be reached on 8-4, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3774

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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